

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 39

Introduced by Brashear, 4

Read first time January 7, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-518, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to theft; and to repeal the original
4 section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-518, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-518. (1) Theft constitutes a Class III felony when
4 the value of the thing involved is over one thousand five hundred
5 dollars.

6 (2) Theft constitutes a Class IV felony when the value of
7 the thing involved is five hundred dollars or more, but not over
8 one thousand five hundred dollars.

9 (3) Theft constitutes a Class I misdemeanor when the
10 value of the thing involved is more than two hundred dollars, but
11 less than five hundred dollars.

12 (4) Theft constitutes a Class II misdemeanor when the
13 value of the thing involved is two hundred dollars or less.

14 (5) For any ~~second or subsequent~~ conviction under
15 subsection (3) of this section when such person has previously been
16 convicted under subsection (1), (2), or (3) of this section, any
17 such person so offending shall be guilty of a Class IV felony.

18 (6) For any ~~second~~ conviction under subsection (4) of
19 this section when such person has previously been convicted under
20 subsection (1), (2), (3), or (4) of this section, any such person
21 so offending shall be guilty of a Class I misdemeanor, and for any
22 ~~third or subsequent~~ conviction under subsection (4) of this section
23 when such person has previously been convicted two or more times
24 under subsection (1), (2), (3), or (4) of this section, the such
25 person so offending shall be guilty of a Class IV felony.

26 (7) Amounts taken pursuant to one scheme or course of
27 conduct from one person may be aggregated in the indictment or
28 information in determining the classification of the offense,

1 except that amounts may not be aggregated into more than one
2 offense.

3 (8) In any ~~prosecution~~ criminal action for theft under
4 sections 28-509 to 28-518, ~~value shall be an essential element of~~
5 ~~the offense that must be proved beyond a reasonable doubt~~ the state
6 must prove beyond a reasonable doubt the value of the thing
7 involved.

8 Sec. 2. Original section 28-518, Reissue Revised
9 Statutes of Nebraska, is repealed.